

Wednesday, May 30, 2012.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

*Messages from the Governor.*

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain annual town election held on April 2, 2012 in the town of Blackstone (House, No. 4134), was filed this day in the office of the Clerk.

Blackstone,—  
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Election Laws. Sent to the Senate for concurrence.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain election held in the town of Lincoln (House, No. 4135), was filed this day in the office of the Clerk.

Lincoln,—  
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Election Laws. Sent to the Senate for concurrence.

*Statement Concerning Representative Kaufman of Lexington.*

A statement of Mr. Rushing of Boston concerning Mr. Kaufman of Lexington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaufman of Lexington, is unable to be present in the House Chamber for today's sitting due to official business outside of the country. His missing of roll calls this week and next week will be due entirely to the reason stated.

Statement  
concerning  
Mr. Kaufman  
of Lexington.

*Statement Concerning Representative Koczera of New Bedford.*

A statement of Mr. Rushing of Boston concerning Mr. Koczera of New Bedford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koczera of New Bedford, is unable to be present in the House Chamber for today's sitting due to personal business. His missing of roll calls this week and next week will be due entirely to the reason stated.

Statement  
concerning  
Mr. Koczera of  
New Bedford.

*Orders.*

The following order (filed by Mr. O'Flaherty of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

The Judiciary committee,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Friday, June 8, 2012, within which to make its final report on current House documents numbered 4055, 4057, 4068 and 4069.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. O'Flaherty of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Id.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Friday, June 8, 2012, within which to make its final report on current House documents numbered 9, 11, 23, 24, 27, 28, 29, 30, 31, 40, 41, 42, 382, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 1274, 1275, 1276, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388, 1389, 1390, 1835, 1836, 1837, 1838, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2257, 2258, 2259, 2260, 2262, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279,

2280, 2281, 2282, 2283, 2284, 2285, 2684, 2793, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 3137, 3138, 3139, 3140, 3141, 3142, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3229, 3230, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3330, 3340, 3358, 3359, 3360, 3361, 3362, 3385, 3441, 3471, 3516, 3518, 3545, 3559, 3569, 3587, 3631, 3636, 3681, 3682, 3729, 3739, 3743, 3744, 3765, 3766, 3768, 3840, 3884, 3905, 3913, 3934, 3977, 3978, 3987, 4004 and 4050.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O’Flaherty of Chelsea, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoissett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, June 1, 2012, within which to make its final report on current House documents numbered 907, 918, 928, 931, 949, 1782, 1794, 1795, 1796, 1797, 1799, 1801, 1803, 1805, 1816, 2633, 2645, 2648, 2653, 2654, 2658, 2659, 2660, 2664, 2914, 2986, 3072, 3079, 3094, 3095, 3096, 3248, 3382, 3420, 3852 and 3966.

Transportation committee,—extension of time for reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus of Mattapoissett, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoissett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, June 1, 2012, within which to make its final report on current House document numbered 4059.

Id.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus of Mattapoissett, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Paper from the Senate.*

A petition (accompanied by bill) of Michael J. Rodrigues, Christopher M. Markey and Keiko M. Orrall for legislation to designate the red-bellied cooter as the official turtle of the Commonwealth, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Red-bellied cooter.

Red-bellied  
cooter.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2274) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

*Reports of Committees.*

Health care.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4127. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2270, amended) was ordered to a third reading.

Supplemental  
appropriations.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on part of House, No. 3898, a Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132) [Total appropriations: \$212,439,849.00]. Read; and referred, under Rule 7A to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Doctors,  
etc.,—  
meals.

By Ms. Forry of Boston, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to restaurant rejuvenation (Senate, No. 1849). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Voting  
equipment.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a petition, a Bill to ensure secure voting equipment (House, No. 196).

Natural  
gas  
leaks.

By Mr. Keenan of Salem, for the committee on Telecommunications, Utilities and Energy, on Senate, No. 1672 and House, Nos. 3051, 3052 and 3053, a Bill relative to natural gas leaks (House, No. 4129).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Negative  
option  
sales.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 100 and House, No. 1014, a Bill to prohibit negative option sales (House, No. 4130).

County  
elections,—  
vacancies.

By Mr. Michlewitz of Boston, for the committee on Election Laws, on a petition, a Bill relative to certain county elections for certain vacancies (House, No. 211).

By the same member, for the same committee, on a petition, a Bill establishing identification requirements for voters who registered by mail (House, No. 1981). Voter registration.

By the same member, for the same committee, on a petition, a Bill relative to absentee ballots (House, No. 2734). Absentee ballots.

By the same member, for the same committee, on a petition, a Bill relative to absentee voting (House, No. 2740). Absentee voting.

By the same member, for the same committee, on a petition, a Bill prohibiting certain election practices (House, No. 3113). Elections,—websites.

By the same member, for the same committee, on a petition, a Bill regarding decennial division of wards and precincts in the city of Boston (House, No. 3819) [Local Approval Received]. Boston,—wards and precincts.

By the same member, for the same committee, on a petition, a Bill relative to the recall of elective officers in the town of North Andover (House, No. 3831) [Local Approval Received]. North Andover,—recall.

By the same member, for the same committee, on House, No. 2737, a Bill relative to specially qualified voters (House, No. 4126). Special voters.

By Mr. Brady of Brockton, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the Plymouth Nuclear Power Plant (House, No. 645). Plymouth Nuclear Plant.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Recesses.*

At eleven minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at thirteen minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recesses.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until two o'clock; and at twelve minutes after two o'clock the House was called to order with Mr. O'Day of West Boylston in the Chair.

*Reports of Committees.*

Mr. Donato of Medford being in the Chair,—

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270) and the recommended House text (see House document numbered 4127) (for order, see House, No. 4128). The order was considered forthwith. Health care,—procedure.

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in lines 5 and 6 by striking out the following: "5:00 p.m. Friday, June 1" and inserting in place thereof the following: "2:00 p.m. Monday, June 4".

After debate on the question on adoption of the amendment, the sense of the House was taken by yea and nays, at the request of Mr. Peterson of Grafton; and on the roll call 35 members voted in the affirmative and 117 in the negative.

**[See Yea and Nay No. 255 in Supplement.]**

Therefore the amendment was rejected.

The order then was adopted.

Supplemental appropriation,— procedure.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4132) (for order, see House, No. 4133). The order then was adopted.

General Appropriation Bill.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4086), returning with his disapproval of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4079), reported, in part, that certain sections stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motions of Dempsey of Haverhill, the reports were considered forthwith.

Section 3 (gaming commission background checks), which had been disapproved by the Governor was considered.

Gaming commission background checks section 3 stands,— yea and nay No. 257.

After debate on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

#### [See Yea and Nay No. 257 in Supplement.]

Therefore section 3 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 4 (gaming commission background checks), which had been disapproved by the Governor was considered.

Gaming commission background checks section 4 stands,— yea and nay No. 258.

After remarks on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

#### [See Yea and Nay No. 258 in Supplement.]

Therefore section 4 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

#### *Motion to Discharge Certain Matters in the Orders of the Day.*

Early education and care.

The House Bill relative to improving quality in early education and care by family child care providers (House, No. 3986), was taken from its position in the Orders of the Day and read a second time, under suspension of Rule 47, on motion of Ms. Khan of Newton.

Mr. Jones of North Reading thereupon raised a point of order that the bill was improperly before the House for the reason that the committee had failed to attach a fiscal note to the pending bill, as required by House Rule 33.

Point of order.

In answer to the point of order, the Chair (Mr. Donato of Medford) ruled that it was not within the province of the chair to inquire into the internal workings of the committees; and therefore the point of order was not well taken.

Mr. Jones thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

After debate on the question: "Shall the decision of the Chair stand as the judgment of the House?", the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 121 members voted in the affirmative and 32 in the negative.

Decision of Chair sustained,—yea and nay No. 256.

**[See Yea and Nay No. 256 in Supplement.]**

Therefore the decision of the Chair was sustained.

The bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Khan of Newton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act improving quality in early education and care by family child care providers".

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 117 members voted in the affirmative and 32 in the negative.

Bill passed to be engrossed,—yea and nay No. 259.

**[See Yea and Nay No. 259 in Supplement.]**

Therefore the bill (House, No. 3986) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill reforming election laws (House, No. 4120), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Michlewitz of Boston.

Election laws.

After remarks on the question on passing the bill to be engrossed, Mr. Peterson of Grafton moved that it be recommitted to the committee on Ways and Means.

After debate on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 32 members voted in the affirmative and 117 in the negative.

Motion to recommit negated,—yea and nay No. 260.

**[See Yea and Nay No. 260 in Supplement.]**

Motion to recommit negated.

Mr. Finn of West Springfield and other members of the House then moved to amend it by inserting after section 7 the following section:

"SECTION 7A. Notwithstanding any general or special law to the contrary, there shall be established an elections task force. (a) Said task force shall undertake a study of the implementation of ss. 3, 4, 5, and 6 of HB 4120. Said study shall include an analysis of : (1) the state and local costs of implementing said proposals, the costs of increasing access to the Central Registry of Voters, and the availability of federal

Election laws.

funding through the Help America Vote Act; (2) the administrative requirements for adopting such a system, including their impact upon poll operations and upon the operation of municipal clerks offices on election day; (3) the possibility of fraud; (4) the effects upon finalizing a vote and possible recounts.

(b) The task force shall complete its study and submit its final report in writing to the joint committee on election laws and the state secretary no later than February 1, 2013.

(c) The task force shall consist of the house and senate chairs of the joint committee on election laws; the speaker of the house of representatives or his designee; the president of the senate or her designee; the house minority leader or his designee; the senate minority leader or his designee; the state secretary or his designee; the registrar of motor vehicles or her designee; 3 representatives of the Massachusetts Town Clerks Association, one of whom is the President of the Massachusetts Town Clerk Association (who shall serve as the task force chair), one of whom shall be from a town of between 2,001 and 12,000 inhabitants, and one of whom shall be from a town of 2,000 or fewer inhabitants, 3 representatives of the Massachusetts Municipal Association, one of whom shall be the chief election officer of a city under 100,000 inhabitants, one of who shall be the chief election officer of a city over 100,001 inhabitants; and 1 representative of each of the following groups: the League of Women Voters of Massachusetts, the Massachusetts Chapter of the NAACP, Common Cause, and MassVOTE, and OISTE.”.

Amendments adopted,—  
yea and nay  
No. 261.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz of Boston; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 261 in Supplement.]**

Therefore the amendment was adopted.

Mr. deMacado of Plymouth and other members of the House then moved to amend the bill by inserting after section 7A (inserted by amendment) the following seven sections:

“SECTION 7B. Section 8E of SECTION 1. Section 76 of chapter 54 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended, by striking out, in line 2, the words ‘and, if requested,’ and inserting in place thereof the following:— , valid photo identification issued by the commonwealth of Massachusetts or the government of the United States, as defined in section 76B, and.

SECTION 7C. Chapter 54 of the General Laws, as so appearing, is hereby amended, by striking out section 76B in its entirety and inserting in place thereof the following section:—

Section 76B. (a) For the purposes of this chapter, ‘valid photo identification’ shall mean a document that:

(1) shows the name of the individual to whom the document was issued, and the name conforms to the name of the individual’s voter registration record;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date, and the document is not expired or expired after the date of the most recent general election; and

(4) was issued by the commonwealth of Massachusetts or the government of the United States.

(b) (1) A person seeking to vote that does not provide sufficient valid photo identification as defined in subsection (a) of this section may be challenged under section 85 of this chapter.

(2) A person seeking to vote that does not provide valid photo identification as defined under subsection (a) of this section may cast a provisional ballot under section 76C.

(c) Nothing in this section shall be construed to deny the rights of any individual who:

(1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

(2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2); or

(3) is otherwise entitled by federal law to vote otherwise than in person.

SECTION 7D. Section 76C of Chapter 54 of the General Laws, as so appearing, is hereby amended, by adding after subsection (k) the following new subsection:—

(l) A voter who fails to provide valid photo identification as defined under section 76B and casts a provisional ballot shall be required to provide such identification in person to the city or town clerk, or elections board or commission, of the municipality in which they reside, within 8 business days from the date of the election in which the provisional ballot was cast. A voter who fails to provide such identification in the time specified shall forfeit that vote, and that provisional ballot shall be discarded.

SECTION 7E. Section 92 of chapter 54 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended, by adding in line 5, after the words ‘eighty-seven,’ the following words:— as well as enclosing in the same envelope a copy of a valid photo identification as defined in section 76B of this chapter.

SECTION 7F. Section 8E of Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended at the end of the first paragraph thereof by adding the following language:— The Registry shall establish a waiver for indigent persons to obtain an identification card at no cost.

SECTION 7G. Chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after Section 61 the following new language:—

Section 62. (a) The Registry of Motor Vehicles shall establish a definition of ‘indigency’ for the purposes of this chapter and uniform standards and procedures for the determination that: (1) a person is indigent and is unable to afford an identification card or (2) a person is indigent, but has the ability to pay a reduced fee for an identification card. The definition and standards, and any amendments thereto, shall be used by the registry in determining eligibility for a free identification card. In the formulation of the definition, standards and procedures, the registry shall utilize: (1) the reporting system operated by the commissioner of transitional assistance for the purpose of verifying financial

Election  
laws.

eligibility of participants in state or federally funded programs; (2) the accessibility of income data available from the department of revenue; and (3) verifying material assets through the registry of motor vehicles.

(b) A person claiming indigency under subsection (a) shall execute a waiver authorizing the registrar, or the registrar's designee, to obtain the person's wage, tax and asset information from the department of revenue, department of transitional assistance and within the registry of motor vehicles that the registry may find useful in verifying the person's claim of indigency. The waiver shall authorize the registrar, or the registrar's designee, to conduct any further reassessment required by this section.

(c) It shall be the responsibility of the registrar to ensure that a person claiming to be indigent meets the definition of indigency under subsection (a). A person seeking an indigency waiver shall be interviewed by the registrar or the registrar's designee prior to the granting of a waiver. The person conducting the interview shall explain to the person seeking the waiver: (1) the definition of indigency; (2) the process used to verify the person's information with other state agencies; and (3) the penalties for misrepresenting financial information in applying for an indigency waiver. The registrar or the registrar's designee conducting the interview shall prepare a written indigency intake report that shall record the results of the interview and state a recommendation on whether or not the person seeking the waiver is indigent. The person seeking the waiver and the registrar or the registrar's designee conducting the interview shall sign the indigency intake report. In signing the report, the person seeking the waiver shall certify under the pains and penalties of perjury that the information contained therein is true and that the person has not concealed any information relevant to the person's financial status. All statements contained in the report shall be deemed material statements. The completed report shall be presented to the registrar who may adopt or reject the recommendations in the report, either in whole or in part.

Section 7H. Section 7B, 7C, 7D, 7E, 7F and 7G of this act shall take effect on April 1, 2013.”

Point of  
order.

Mr. O'Day of West Boylston thereupon raised a point of order that the amendment offered by the gentleman from Plymouth was improperly before the House for the reason that it went beyond the scope of the pending bill.

The Chair (Mr. Donato of Medford) ruled that the point of order was well taken, and the amendment was laid aside accordingly.

Mr. deMacedo thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

Decision  
of Chair  
sustained,—  
yea and nay  
No. 262.

After debate on the question: “Shall the decision of the Chair stand as the judgment of the House?”, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 101 members voted in the affirmative and 44 in the negative.

**[See Yea and Nay No. 262 in Supplement.]**

Therefore the decision of the Chair was sustained.

Mrs. Creedon of Brockton and other members of the House then moved to amend the bill by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Chapter 51 of the General Laws is hereby amended by inserting after section 17 the following section:—

Section 17A. In each municipality, the city or town clerk and the election director shall attend annual training conducted by the office of the state secretary on the applicable state and federal election laws and regulations. Upon completion of the training, they shall inform the board of registrars and election commissioners.”

The amendment was adopted.

Mrs. O’Connell of Taunton then moved to amend the bill by inserting after section 7A (inserted by amendment) the following two sections:

“SECTION 7B. Section 105 of chapter 54, as appearing in the 2010 Official Edition, is hereby amended, in line 30, by inserting after the words ‘seal up the same’ the following:— with a zip tie that has a unique serial number.

SECTION 7C. Section 107 of chapter 54, as appearing in the 2010 Official Edition, is hereby amended by inserting at the end thereof the following new language:—

Each candidate for public office may appoint one poll watcher to observe the sealing of the ballots after the polls have closed. Such supervision may not be precluded by any election officer. Upon completion of the sealing of the ballots, the Warden shall provide the serial number of the zip tie used to seal the ballots to any poll watcher upon request.”

The amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill by striking out sections 3 and 4.

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Frost; and on the roll call 37 members voted in the affirmative and 110 in the negative.

**[See Yea and Nay No. 263 in Supplement.]**

The amendment was rejected.

Mr. Durant of Spencer then moved to amend the bill in section 2, in line 15 and also in line 17 and 18, by striking out the words “transmit or otherwise deliver” and inserting in place thereof, in each instance, the words “or deliver personally or by an authorized person”. The amendments were adopted.

Mr. Scaccia of Boston then moved to amend the bill by striking out section 6.

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 10 members voted in the affirmative and 136 in the negative.

**[See Yea and Nay No. 264 in Supplement.]**

The amendment was rejected.

Mr. Scaccia of Boston then moved to amend the bill in section 5, in lines 78 to 86, inclusive, by striking out the text contained in those lines and inserting place thereof the following paragraph:

“(d) (1) The board of registrars or election commission in each municipality where 1 or more precincts selected to be audited are located shall conduct the audit. The board of registrars or election commission may employ tally clerks for the purpose of counting the

Amendment  
rejected,—  
yea and nay  
No. 263.

Amendment  
rejected,—  
yea and nay  
No. 264.

Election laws.

ballots. Audits shall not commence prior to the deadline for filing a recount as stated in section 135 of this chapter. The time and place of the audits in each municipality where one or more precincts selected to be audited are located shall be publicly announced in advance. The audits shall be performed in full public view and conducted pursuant to the procedures for hand counts of ballots in section 105.”

Amendment rejected,—  
yea and nay  
No. 265.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 43 members voted in the affirmative and 105 in the negative.

**[See Yea and Nay No. 265 in Supplement.]**

The amendment was rejected.

Bill passed to  
be engrossed,—  
yea and nay  
No. 266.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz of Boston; and on the roll call 112 members voted in the affirmative and 36 in the negative.

**[See Yea and Nay No. 266 in Supplement.]**

Therefore the bill (House, No. 4120, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Orders of the Day.*

Senate bills

Third  
reading  
bills.

Establishing a sick leave bank for Carl Senna, an employee of the Department of Correction (Senate, No. 2131); and

Establishing a sick leave bank for Judith Christianson, an employee of the Department of Transitional Assistance (Senate, No. 2161, amended);

Severally reported by the committee on Bills in the Third Reading to correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Id.

Relative to access to epinephrine in schools (House, No. 3959); and  
Authorizing the town of Sudbury to establish a means tested senior citizen property tax exemption (House, No. 4062);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second  
reading  
bills.

The Senate Bill relative to the Essex Regional Retirement System (Senate, No. 2230); and

House bills

Relative to certain banking laws (House, No. 288);

Relative to creation of a reserve fund for credit unions (House, No. 2073);

Relative to trafficking in methamphetamines (House, No. 2220); and

Addressing workplace bullying, mobbing and harassment, without regard to protected class status (House, No. 2310);

Severally were read a second time; and they were ordered to a third reading.

---

The House Bill validating the proceedings relating to the authorization of debt by the Old Colony Regional Vocational Technical High School District (House, No. 3914), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Old Colony  
Regional  
School  
District.

Pending the question on passing the bill to be engrossed, Mr. O'Day of West Boylston moved to amend it by striking out section 2; and by inserting before the enacting clause the following emergency preamble:

*“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to validate the proceedings relating to the authorization of debt by the Old Colony Regional Vocational Technical High School District, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”*

The amendments were adopted; and the bill (House, No. 3914, amended) was passed to be engrossed. Sent to the Senate for concurrence.

#### *Orders.*

On motion of Mr. Binienda of Worcester,—

*Ordered,* That, notwithstanding the provisions of House Rule 12, the Clerk be authorized to prepare and publish a Calendar for the sitting of Thursday, May 31, containing only the supplemental appropriation bill (House, No. 4132).

Supplemental  
appropriation  
bill,—  
Calendar.

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon.

Next  
sitting.

---

Mr. Hill of Ipswich then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-four minutes before eight o'clock P.M., (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at twelve o'clock noon.